

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re NURTURE BABY FOOD LITIGATION

Master File No.: 1:21-cv-01217-MKV

This Document Relates To:

The Honorable Mary Kay Vyskocil

ALL ACTIONS

**DECLARATION OF MICHAEL R. REESE IN SUPPORT OF THE W-R
SLATE'S MOTION FOR APPOINTMENT OF INTERIM CO-LEAD
COUNSEL AND EXECUTIVE COMMITTEE**

I, Michael R. Reese, hereby declares under the penalty of perjury as follows:

1. I am the founding partner of Reese LLP, a law firm established in 2008 with offices in New York, California and Minnesota that specializes in class action litigation on behalf of consumers and small businesses in both federal and state courts throughout the United States. I am a member in good standing of the state bars of New York and California as well as numerous federal courts, including but not limited to the U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of New York; the Northern, Central, Eastern and Southern Districts of California; the Northern and Southern Districts of Illinois; the Eastern District of Wisconsin, and the District of Colorado. I am also a member of the federal bars of the U.S. Courts of Appeals for the Second, Seventh, Eighth and Ninth Circuits, before which I have argued numerous appeals.

2. As discussed below in detail, I am a frequent litigator, lecturer, writer and teacher on class actions and food litigation.

3. I submit this declaration in support of my application for appointment as Interim Co-Lead Counsel for the proposed class in the above-captioned action. I have personal knowledge of the matters set forth herein.

4. My firm and I have extensive class action experience, especially as it related to food related class actions. My firm has been appointed as class counsel in numerous cases involving food related causes of action, including, but not limited to *Ackerman v. Coca-Cola Co.*, case No. 09-cv-00395-DLI-RLM (E.D.N.Y.); *Frohberg v. Cumberland Packaging Corp.*, case No. 1:14-cv-0748-RLM (E.D.N.Y.); *Ferrera v. Snyder's-Lance, Inc.*, case no. 13-cv-62496 (S.D. Fla.); *In re General Mills, Inc. Kix Cereal Litig.*, Case No. 2:12-cv-00249-KM-MCA (D.N.J.); *Howerton v. Cargill, Inc.*, case no. 13-cv-0336 (D. Hawaii); *Rosen v. Unilever United States Inc.*, case no. 09-02563 JW (N.D. Cal.); and, *Yoo v. Wendy's Corp.*, case no. 07-4515 (C.D. Cal.) (stating that Reese LLP “has conducted the litigation and achieved the Settlement with skill, perseverance and diligent advocacy”).

5. Of particular note is the fact that I have experience successfully litigating class actions involving baby foods. Specifically, I am court appointed co-lead counsel in the matter of *Hasemann v. Gerber Prods. Co.*, case no. 15-cv-02995 (E.D.N.Y.), which was successfully certified as a class action over the defendant’s opposition. See *Hasemann v. Gerber Prods. Co.*, 331 F.R.D. 239 (E.D.N.Y. 2019)(certifying classes of purchasers of baby food).

6. My firm has also been appointed as class counsel in several multi-district litigation (“MDL”) matter involving food, including, but not limited to *In re Fairlife Milk Products Sales and Marketing Practices Litig.*, case no. 19-md-2909 (N.D. Ill); *In re Hill's Pet Nutrition, Inc., Dog Food Prods. Liab. Litig.*, Case No. 19-md-2887-JAR-TJJ, MDL No. 2887 (D. Kansas); *In re Frito-Lay North America “All Natural” Sales and Marketing Litig.*, case no. 1:12-md-02413-RRM-RLM (E.D.N.Y.); and *In re Vitaminwater Sales and Marketing Practices Litig.*, case no. 1:11-md-02215-DLI-RML (E.D.N.Y.).

7. Victories by me and my firm on behalf include a \$12.5 million class action settlement in *In re Hill's Pet Nutrition, Inc., Dog Food Prods. Liab. Litig.* for purchasers of pet food with excessive levels of vitamin D; a \$6.1 million class action settlement in *Howerton v. Cargill, Inc.* for consumers of Truvia branded sweetener that contained GMOs; and a \$6.4 million class action in the matter of *Wong v. Alacer Corp.*, for consumers of Emergen-C branded dietary supplement.

8. I also have extensive, and successful, appellate practice. My firm and I successfully set the standard in this District (and elsewhere in the Second Circuit) governing how food claims are treated at the motion to dismiss stage, when we argued and won the matter of *Mantikas v. Kellogg Co.*, 910 F.3d 633 (2d Cir. 2018).

9. I also am the co-host with Professor Michael Roberts of UCLA's Food Law and Policy of an annual food law conference sponsored by International CLE that brings together major stakeholders in food law and policy, including members from academia, non-governmental organizations, the federal government, major food corporations, and both the plaintiffs and defense bars.

10. I am also the chairperson of an annual three-day conference sponsored by Cambridge Forum that focuses on food fraud that brings together the top food law litigators to discuss litigation strategies.

11. I also frequently speak at conferences on food law litigation, and have presented recently at the American Bar Association; the Union Internationale des Advocats; and the Food and Drug Law Institute, among other organizations. A full list of my presentations is discussed in my curriculum vitae attached hereto as Exhibit B.

12. I have written extensive about food law class actions, including, but not limited to: *“How to Become a Food Lawyer - A Smörgåsbord of Tips from a Seasoned Practitioner”*, *Environmental Law*, Vol. 49, No. 5, Illinois State Bar, May 2019; *“Food Based Country of Origin Litigation in the United States”*, *Juriste International*, Union International des Advocats, July 19, 2018; and, *“Starting a Niche Food Law Practice” General Practitioner*, American Bar Association, December 2017.

13. I also am an adjunct law professor at the Brooklyn Law School, where I teach a classes entitled *The Law of Class Actions and Other Aggregate Litigation* and *Food Law*.

14. I also am a frequent guest lecturer at UCLA School of Law and Columbia Law, where I lecture on food related class actions.

15. My firm and I also frequently work with non-profits such as Center for Science in the Public Interest to address deception involving food labeling.

16. I also am on the advisory board for Wellness in the Schools (WITS), a non-profit dedicated to providing nutritional education to children and the advisor board for UCLA’s Food Law and Policy.

17. Prior to litigating class actions, I was a prosecutor at the Manhattan District Attorney’s Office in New York, New York, where I served as trial counsel in prosecuting white-collar and violent felony crimes.

18. A true and correct copy of my Firm’s resume is attached hereto as Exhibit 1.

19. A true and correct copy of my curriculum vitae is attached hereto as Exhibit 2.

I declare pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Dated: September 28, 2021
New York, New York

REESE LLP

/s/ Michael R. Reese
Michael R. Reese